

Frequently Asked Questions

Bill 19 – Commercial Activities in City Parks

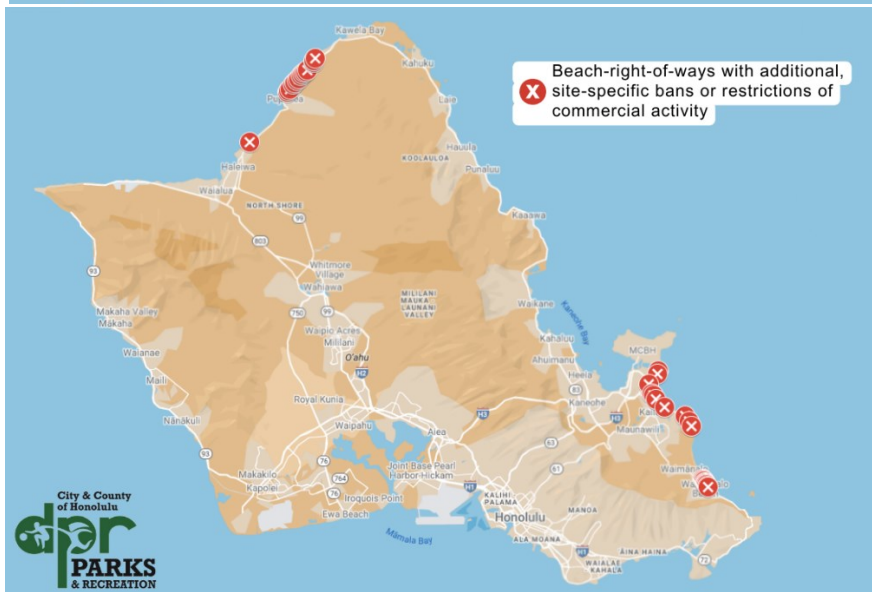
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For updated versions of this bill and information on how to testify, please visit: <https://hnlldoc.chawaii.gov/hnlldoc/measure/2469>



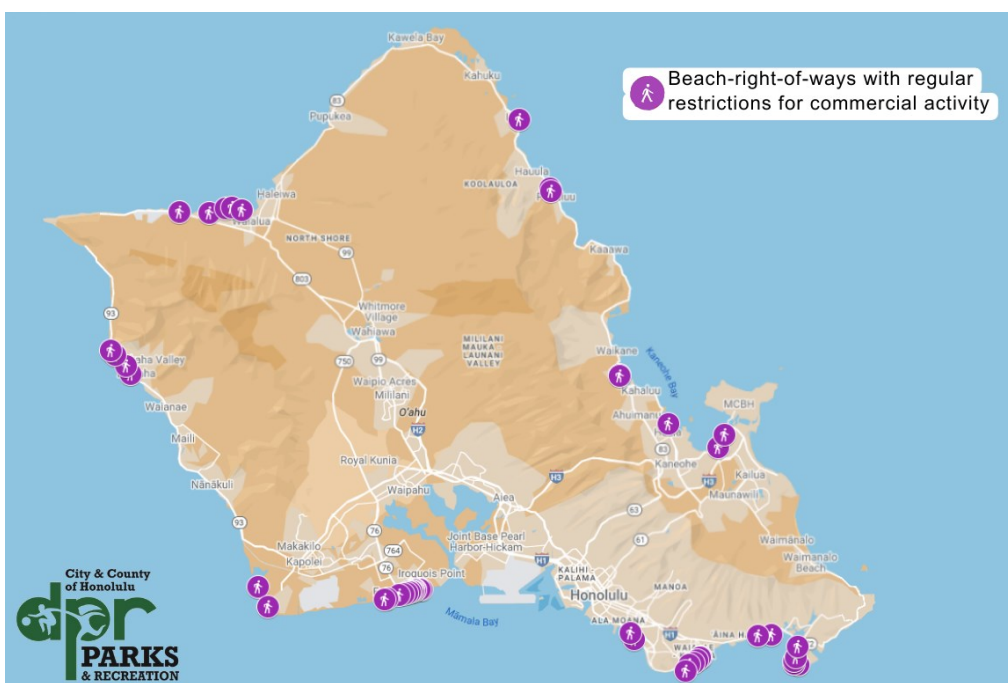
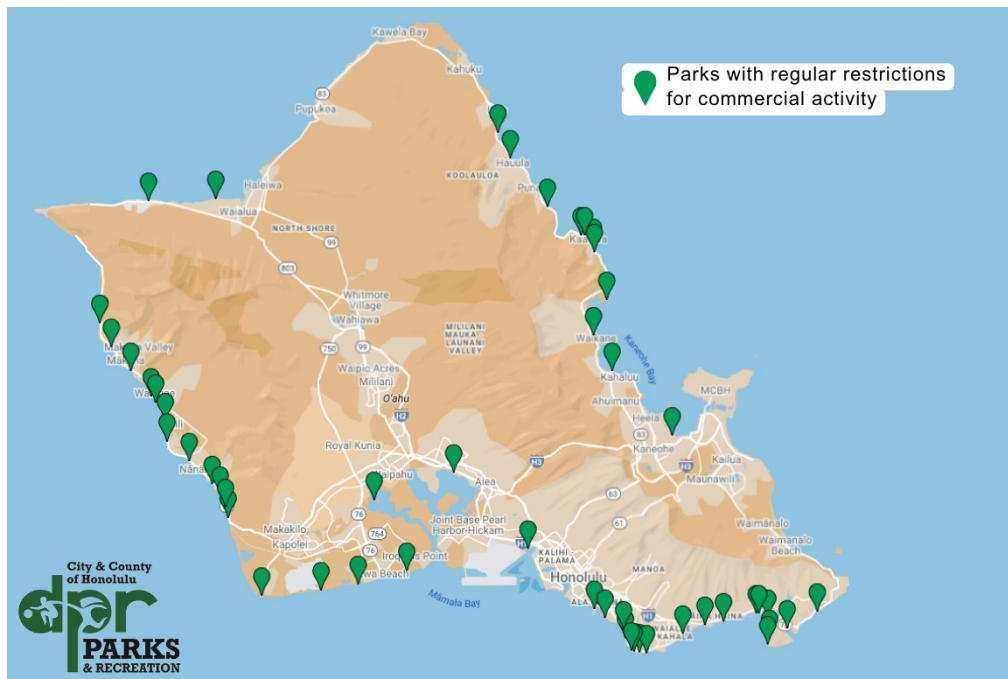
Shoreline parks (17) and beach-right-of-ways (35) with additional, site-specific bans or restrictions on commercial activity:

- Bellows Field Beach Park	- Kaiona Beach Park	- Pūpūkea Beach Park
- ‘Ehukai Beach Park	- Kalama Beach Park	- Sunset Beach Park
- Hale‘iwa Ali‘i Beach Park	- Kaupō Beach Park	- Waiale‘e Beach Park
- Hūnānāniho	- Kokololio Beach Park	- Waimānalo Beach Park
- Kaiaka Bay Beach Park	- Makapu‘u Beach Park	- Waimea Bay Beach Park
- Kailua Beach Park	- Pua‘ena Point at Hale‘iwa Beach Park	
- Beach-right-of-ways from Makapu‘u Point to Castle Point		
- Beach-right-of-ways from Sunset Point to Kaiaka Point		



Shoreline parks (50) and beach-right-of-ways (54) with regular restrictions for commercial activity:

- Ala Moana Regional Park	- Kahe Point Beach Park	- Koke'e Beach Mini Park	- Mā'ili Beach Park	- Punalu'u Beach Park
- 'Āweoweo Beach Park	- Kalaeloa Beach Park	- Koko Kai Beach Mini Park	- Mākaha Beach Park	- Pu'uloa Beach Park
- Barbers Point Beach Park	- Kalae'ō'io Beach Park	- Kualoa Regional Park	- Mākālei Beach Park	- Sandy Beach Park
- Black Rocks Beach Park	- Kalaniana'ole Beach Park	- Kūhiō Beach Park	- Makaua Beach Park	- Surfer's Beach
- Diamond Head Beach Park	- Kāne'ohe Beach Park	- Kuilei Cliffs Beach Park	- Mauna Lahilahi Beach Park	- Swanzey Beach Park
- Duke Paoa Kahanamoku Beach	- Kapapahu Point Park	- Kuli'ou'ou Beach Park	- Maunalua Bay Beach Park	- Tracks Beach Park
- Hanauma Bay Nature Preserve	- Kapi'olani Park	- Laenani Neighborhood Park	- Mokulē'ia Beach Park	- Ulehewa Beach Park
- Hau'ula Beach Park	- Kawaiku'i Beach Park	- Lā'ie Beach Park	- Neal S. Blaisdell Park	- Waiāhole Beach Park
- Joe Lukela Beach Park	- Kea'au Beach Park	- Lē'ahi Beach Park	- One'ula Beach Park	- Wai'alae Beach Park
- Ka'a'awa Beach Park	- Ke'ehi Lagoon Park	- Lualualei Beach Park	- Pōka'i Bay Beach Park	- Waiupe Beach Park



1. What is Bill 19 (2023) and why was it drafted?

The bill was drafted by the Honolulu Department of Parks and Recreation (DPR) to codify and properly recognize the primary purpose of City parks; to serve the recreational needs of the public while preserving natural, cultural, and historic resources for future generations.

Under the current law, specific types of commercial activities are allowed to operate within certain City parks, with the idea that these businesses provide additional recreational opportunities and amenities to the public. In fact, many City parks have licensed concessions where the City contracts with a business to provide services to park users (most typically in the form of restaurants/eateries, such as the L&L Barbecue stands at Ala Moana Regional Park).

However, commercial activities or businesses operating illegally in City parks continues to be a resounding issue across the island. It represents one of the most common complaints fielded by the DPR Permits Office and City Councilmembers. Frequently expressed concerns include:

- Existing bans on commercial activities at specific park locations or geographic regions pushing activity to neighboring communities.
- Confusion over existing regulations.
- Difficulty enforcing the complicated laws.
- Proliferation of a variety of new businesses not addressed by current rules.

2. What is the intent of Bill 19, or how does it plan on addressing these issues?

Bill 19 aims to create a simplified, easily understood law which applies to City parks across O‘ahu, thereby making compliance and enforcement more likely.

The current draft of this bill intends to do this by:

- Implementing a suspension of commercial activity in City parks on weekends and holidays (with certain exceptions for permitted events, school or government activities, filming, etc.)
- Continuing to allow existing, legally permitted types of commercial activities, but subjecting them to new limitations on time, place and limited numbers of permits per park. Those activities include: tour buses, swimming/surfing lessons, scuba diving/snorkeling, photography, commercial filming, hiking at Hanauma Bay.
- Creating a new, two-step public process that a proposal for any new types of commercial activity must follow, to be permitted in parks in the future. The first step is to demonstrate public support for the new activity via public community surveys and a public meeting. The second step is to adopt new administrative rule revisions via the Chapter 92 public process, which include time, place and number limitations.
- Requires all commercial activities to possess/display their permit while conducting business in City parks.
- Makes it illegal to advertise for commercial activities in City parks without an accompanying permit, including advertising on the side of a vehicle. This will assist with enforcement.
- Utilize an impartial, online lottery system to issue commercial permits while assessing fees to cover the cost of administering this system.
- Removing existing, piecemeal bans on commercial activity which are based on specific park or geographic location.

- Allowing no more than three tour vehicles in any park at the same time and no more than 10 tour vehicles per day per park.
- Tour buses shall not be permitted on unimproved park lands or within Conservation Districts (other than Hanauma Bay and the Hālonā Blowhole).
- Clearly outlining the penalties for non-compliance, typically a citation of \$100-\$500/hour subject to escalation and/or revocation of permit.

Specific to Tour Vehicles:

- Limits the size of tour vehicles allowed to operate in beach / beach support parks to registered vehicles with 12 to 25 -person capacity.
- No park stops allowed Friday 5 p.m. through Monday 8 a.m. or holidays.
- Can only stop at beach/beach support parks. Stops not allowed at other City park locations (including unimproved lands, beach-right-of-ways, and Conservation Districts)
- Exceptions:
 - Vehicles used for permitted events (i.e. festivals, regattas, etc.)
 - Vehicles/vans serving handi-capable or disabled passengers
 - City vehicles
 - Vehicles utilizing the Hanauma Bay Nature Preserve and Hālonā Blowhole.

Other Commercial Activities:

- Can be permitted for any designated City park location, but not unimproved park land
- Only commercial activities with adopted DPR rules are permitted to operate within City park properties (mentioned above).
- Cannot operate in City parks from Saturday 1 p.m. to Monday 8 a.m. or holidays.
- Cannot reserve location, ask members of the public to relocate, or leave structures/equipment at the park.
- Exceptions: City concessions, vendors serving DPR permitted activities, or for DPR / City activities and programs
- DPR permitted events such as festival, regattas, commercial filming, school activities, or events at Hana L'Orange Park

3. Where did these proposed bill originate? Who provided the input?

Notifications of our intent were made to all O'ahu Neighborhood Boards, City Councilmembers, and the Youth Commission to encourage participation in the public discussion. Prior to submitting a draft of this bill to the Honolulu City Council, DPR conducted numerous internal discussions amongst staff, consulted with the Honolulu Police Department & City attorneys, and met with local businesses & the Hawai'i Tourism Authority to discuss this legislation.

While much effort was made to include a variety of perspectives into this initial bill, we enter the legislative process with an open mind. The current draft of the bill serves as a starting point from which we can build legislation, with the goals of creating an island-wide approach for simple commercial activity rules that can be easily

understood and enforced. We absolutely want to hear further community input, and will work with the City Council to best address the testimony and comments received.

At this time, participating in the bill-approval process is the best way for your voice to be heard in this regard, and we very much invite to participate. For your convenience, here is a link to online copies of the bill with instructions on how you can testify: <https://hnl.doc.hawaii.gov/hnldoc/measure/2469>

4. What is the timeline for the bill, and when could it possibly take effect?

Because the bill proposes changes to the existing Revised Ordinances of Honolulu, its approval will follow the City Council process which includes public discussion/testimony during five hearings: three full City Council hearings (typically held on the 3rd Wednesday of the month) and two Parks, Enterprise Services, and Culture and the Arts Committee hearings (typically held on the first Wednesday of each month).

The bill was introduced for first reading during the full City Council Hearing on Wednesday, March 15, 2023, and will be presented again for public testimony during the City Council Parks, Enterprise Services, and Culture and the Arts Committee (PESCA) on Wednesday April 5, 2023. DPR and the PESCA Chair, Councilmember Tulba, agreed to hold the bill in this committee for several meetings in order to encourage public input and thoughtful amendments before moving the bill forward

Under the current draft of the bill, and if it is passed and signed into law, the effective date will be determined during the City Council approval process. This effective date was left open because DPR will require time to work with the Department of Information Technology to implement an online permitting system based on the approved ordinance. As a general frame of reference, this would likely take about six months following the bill being signed into law.

—PAU—

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